United Nations A/68/213

General Assembly

Distr.: General
29 July 2013

Original: English

Sixty-eighth session
Item 85 of the provisional agenda*
The rule of law at the national and international levels

Strengthening and coordinating United Nations rule of law activities

Report of the Secretary-General

Summary

The present report, submitted pursuant to General Assembly resolution 67/97, highlights key achievements and challenges in the rule of law at the national and international levels over the past year. It is illustrative of the wide range of rule of law activities undertaken by United Nations entities and includes examples of concrete projects and initiatives aimed at strengthening specific aspects of the rule of law. The report also contains information on the measures taken to enhance coordination and coherence within the United Nations with regard to the rule of law and introduces the activities carried out further to the Declaration of the high-level meeting of the General Assembly on the rule of law at the national and international levels adopted by the Assembly in resolution 67/1.

* A/68/150.

13-41036 (E) 030913

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I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 67/97, in which the Assembly requested the Secretary-General to submit his annual report on United Nations rule of law activities. The report includes information on the work of the Rule of Law Coordination and Resource Group and the Rule of Law Unit, as well as on the activities of the members of the Group. In addition, it includes information on the activities of other United Nations entities with important rule of law components in their mandate. This broadened scope aims to better reflect a system-wide approach to the rule of law.

2. The sixty-seventh session of the General Assembly marked an important milestone in the development of a coherent approach to the rule of law. The high-level segment of 24 September 2012 was devoted to the first plenary meeting on the topic "The rule of law at the national and international levels". This high-level meeting was attended by more than 65 Presidents and Ministers of Government and 79 statements were delivered by representatives of Member States and observers, representatives of civil society and United Nations entities. Forty-one Member States and observers (including the European Union and the International Development Law Organization) made a total of 419 pledges to strengthen specific aspects of the rule of law in their own countries and to assist others in strengthening theirs.

3. In the Declaration of the high-level meeting of the General Assembly on the rule of law at the national and international levels adopted by the Assembly in resolution 67/1, Member States reaffirmed their commitment to the rule of law, as "an indispensable foundation for a more peaceful, prosperous and just world". In the Declaration they stressed the interrelationship between the rule of law and the three pillars of the Organization: peace and security, human rights and development. In particular, they called for the rule of law to be considered on the international development agenda beyond 2015. The Declaration acknowledges the many voluntary pledges received from Member States aimed at strengthening the rule of law and encourages more pledges to be made in the future.

II. Promotion of the rule of law at the international level

4. At the international level, the rule of law accords predictability and legitimacy to the actions of States, strengthens their sovereign equality and underpins the responsibility of a State to all individuals within its territory and subject to its jurisdiction. Full implementation of the obligations set forth in the Charter of the United Nations and in other international instruments, including the international human rights framework, is central to collective efforts to maintain international peace and security, effectively address emerging threats and ensure accountability for international crimes.

A. Codification, development and promotion of an international framework of norms and standards

5. The United Nations continues to be instrumental to the development and promotion of international norms and standards. The Optional Protocol to the

International Covenant on Economic, Social and Cultural Rights entered into force on 5 May 2013. It establishes a communications procedure for the Committee on Economic, Social and Cultural Rights on violations of rights under the Covenant. To date, the Optional Protocol has been ratified by 10 States.

6. The United Nations Convention on the Use of Electronic Communications in International Contracts entered into force on 1 March 2013. This instrument aims to enhance legal certainty and commercial predictability in the use of electronic communications in relation to international contracts.

7. The Arms Trade Treaty was adopted by the General Assembly in resolution 67/234 B in April 2013 and is open for signature until its entry into force. Likewise, on 19 January 2013, the intergovernmental negotiating committee to prepare a global legally binding instrument on mercury agreed to the text of the Minamata Convention on Mercury. The Convention will be presented for adoption and opened for signature in October 2013.

8. The United Nations Convention on the Law of the Sea marked its thirtieth anniversary in 2012 and three additional States became parties. Seven new States became parties to the United Nations Convention against Corruption. Other ratifications or accessions to treaties include eight new States parties to the United Nations Convention against Transnational Organized Crime; six new States parties to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime; six new States parties to the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime; eight new States parties to the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime; thirteen new contracting States to the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity; twelve new contracting States to the Nagoya-Kuala Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol on Biosafety to the Convention on Biological Diversity; and four new States parties to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. Progress towards universal ratification of the Protocol indicates an international consensus for strengthening the legal protection of children, including by prohibiting the recruitment and use of children under the age of 18 by both armed forces and armed groups.

9. Three States acceded to the Convention relating to the Status of Stateless Persons and six to the Convention on the Reduction of Statelessness. In October 2012, the Office of the United Nations High Commissioner for Refugees (UNHCR) launched the Guidelines on the Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention, providing guidance on the necessity of detaining a particular individual, procedural safeguards, conditions of detention and alternatives to detention. The African Union Convention for Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) entered into force in December 2012, after eight States ratified it in 2012.

10. In July 2013, the United Nations Commission on International Trade Law (UNCITRAL) adopted the Rules on Transparency in Treaty-based Investor-State Arbitration and the revised Arbitration Rules, the Guide on the Implementation of a Security Rights Registry, the Guide to Enactment and Interpretation of the Model Law on Cross-Border Insolvency and part four of the Legislative Guide on Insolvency Law on the obligations of directors in the period approaching insolvency, and took note of the updates to the Model Law on Cross-Border Insolvency: the Judicial Perspective.

11. The Committee against Torture adopted its general comment No. 3 (2012) on the content and scope of the obligations under article 14 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, regarding the right of victims to obtain redress (CAT/C/GC/3). The Working Group on Arbitrary Detention adopted deliberation No. 9 on the definition and scope of arbitrary deprivation of liberty under customary international law, concluding that the prohibition of all forms of arbitrary deprivation of liberty constitutes a peremptory or *jus cogens* norm (A/HRC/22/44). The Working Group on Enforced or Involuntary Disappearances adopted general comments on children and enforced disappearances and women affected by enforced disappearances (A/HRC/WGEID/98/1 and A/HRC/WGEID/98/2).

12. The Committee on the Elimination of Discrimination against Women is working on the formulation of general recommendations on women in conflict and post-conflict situations, asylum, refugee status and statelessness and women's access to justice. To support this effort, the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) organized regional consultations on women in conflict to provide input to the Committee, based on the actual challenges and experiences of each region, and the United Nations Development Programme (UNDP), UN-Women, UNHCR and OHCHR supported a general discussion on women's access to justice in Geneva in February 2013.

13. In December 2012 in resolution 67/187, the General Assembly adopted the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems. To support their implementation, the United Nations Office on Drugs and Crime (UNODC) and UNDP are developing tools, studies and plans for technical assistance.

B. International courts and tribunals

14. Judicial settlement is an important mechanism available to Member States for the peaceful settlement of their disputes and the International Court of Justice, the principal judicial organ of the United Nations, has a prominent role in this regard. Through its judicial work, the Court makes a significant contribution to the clarification and development of international law. Currently there are 11 cases pending before it. During 2012, the Court rendered four judgments in contentious cases and one advisory opinion. Since the beginning of 2013, the Court has delivered one judgment.

15. The Secretary-General has launched a campaign to broaden the jurisdiction of the Court. Sixty-nine Member States have recognized the compulsory jurisdiction of the Court, while Italy is considering doing so. The Office of Legal Affairs continues

its efforts to make the role of the Court better known and understood, convening annual seminars in New York involving members of the Court and delegates. It is also compiling a database of reservations to compromissory clauses in international treaties deposited with the Secretary-General, so that Member States may consider their possible withdrawal.

16. The International Tribunal for the Law of the Sea handled four cases in 2012. These involved maritime delimitation, requests for the release of detained vessels and claims for damages arising out of the arrest of vessels. It currently has one case and one request for an advisory opinion on its docket.

C. International and hybrid criminal courts and tribunals

17. There are currently 122 States parties to the Rome Statute of the International Criminal Court and 7 of them have ratified the amendment on the crime of aggression. The United Nations continues to cooperate with the Court, in particular by providing logistical support to its field operations and information and evidence in response to requests from the Prosecutor and from defence counsel. The Secretary-General has issued comprehensive guidelines governing interaction between United Nations representatives and persons who are subject to arrest warrants or summonses issued by the Court.

18. In the past year, the Court has issued its second judgment, acquitting Mathieu Ngudjolo Chui on charges of crimes against humanity and war crimes. A third judgment is expected to be issued shortly against Mr. Ngudjolo's former co-accused, Germain Katanga. In July 2012, the Court sentenced Thomas Lubanga to 14 years of imprisonment having found him guilty of enlisting and conscripting children under the age of 15 and using them to participate in active hostilities in 2002-2003 in the Democratic Republic of the Congo. In August, in the same case, the Court issued its first decision on the principles to be applied to reparations for victims. The United Nations disclosed a considerable body of information and material for use in these two trials. The Prosecutor also commenced investigations in Mali, the eighth country situation for the Court and the Organization has been providing assistance to the investigators.

19. It is expected that by the end of September 2013 the Special Court for Sierra Leone will deliver its appeal judgment in the case of the former President of Liberia, Charles Taylor, who was convicted for planning, aiding and abetting war crimes and crimes against humanity. Upon the closure of the Special Court, the Residual Special Court for Sierra Leone will carry on the residual functions of the Special Court, such as sentence enforcement, witness protection and preservation of archives. It will be important for Member States to support the Residual Special Court financially so that it can carry out its work.

20. The International Criminal Tribunal for Rwanda has completed all its trials and is now only hearing appeals. Consistent with the principle of complementarity, it has referred several cases, including those involving low-level fugitives, to Rwanda for prosecution. The Arusha branch of the International Residual Mechanism for Criminal Tribunals became operational as of 1 July 2012 and will hear some appeals and contempt of court cases from the Tribunal for Rwanda. The International Criminal Tribunal for the former Yugoslavia continues to conduct both trials and

appeals. The branch of the Residual Mechanism in The Hague commenced operations on 1 July 2013.

21. The trial in the second case and the investigation in the third and fourth cases at the Extraordinary Chambers in the Courts of Cambodia are ongoing. Earlier this year, Ieng Sary, one of the accused persons in the second case passed away. The Extraordinary Chambers continue to face significant funding shortfalls that jeopardize their ability to complete the remaining proceedings. The failure of the Chambers at this juncture would be a devastating setback to the promotion of the rule of law and the fight against impunity. The General Assembly decided in 2003 that the Chambers would be funded from voluntary contributions. Member States are encouraged to honour this collective decision and step forward to help fund this historic endeavour.

22. Lastly, following the extension of its mandate last year, the Special Tribunal for Lebanon has been preparing for the trial in absentia of the four persons indicted for the assassination of the former Prime Minister of Lebanon, Rafik Hariri.

D. Non-judicial and Security Council accountability and support mechanisms

23. International commissions of inquiry and fact-finding missions provide authoritative and impartial accounts of serious human rights situations and recommendations that can prevent further violations and help to ensure accountability. The mandate of the independent international commission of inquiry on the Syrian Arab Republic was recently extended by the Human Rights Council in resolution 21/26. The commission submitted its fourth report to the Council in February 2013 (A/HRC/22/59).

24. In March 2013, in its resolution 22/13, the Human Rights Council established a commission of inquiry to investigate the systematic, widespread and grave violations of human rights in the Democratic People's Republic of Korea. UN-Women, in partnership with the intergovernmental roster, Justice Rapid Response, has deployed investigators into sexual and gender crimes to the commissions of inquiry on the Syrian Arab Republic and the Democratic People's Republic of Korea and is working to ensure that all commissions have the investigative expertise on gender crimes that they require to fulfil their mandates.

25. The mandate of the International Commission against Impunity in Guatemala was extended until September 2015. It is an initiative of the Government of Guatemala and the United Nations to support investigations and prosecutions of crimes allegedly committed by illegal security forces and clandestine security organizations.

26. Within the framework of the monitoring and reporting mechanism on grave violations against children in situations of armed conflict established by the Security Council in resolution 1612 (2005), a total of 14 action plans are being implemented with parties to conflict in nine countries. Four of these were signed in 2012 with parties to conflict listed as perpetrators of grave violations in the annual report of the Secretary-General on children and armed conflict: two in Somalia, one in the Democratic Republic of the Congo and one in Myanmar. The action plan in the Democratic Republic of the Congo is the first also to address sexual violence

against children in armed conflict. On 17 June 2013, the Special Representative of the Secretary-General for Children and Armed Conflict announced a campaign, to be led in cooperation with the United Nations Children's Fund (UNICEF) and OHCHR, aimed at providing support to national security forces to end the recruitment of children in conflict by 2016.

27. Pursuant to the reporting mandate established under Security Council resolution 1960 (2010), parties credibly suspected of committing or being responsible for patterns of sexual violence were identified in the Central African Republic, Côte d'Ivoire, the Democratic Republic of the Congo, Mali and the Syrian Arab Republic. To address sexual violence in conflict and post-conflict contexts, the Special Representative of the Secretary-General on Sexual Violence in Conflict signed joint communiqués with the Governments of the Central African Republic, the Democratic Republic of the Congo and Somalia. These joint communiqués focus on areas such as support to the police and judiciary on investigation and prosecution of conflict-related sexual violence, assistance on legislative reform and addressing sexual violence in security sector reform. In addition, in order to further assist in addressing rule of law issues in conflict contexts, a senior women's protection advisor will be deployed shortly in South Sudan to join those already in place. Other women protection advisors are to be deployed in the Central African Republic, Côte d'Ivoire, the Democratic Republic of the Congo, Mali and Somalia. To promote the implementation of Security Council resolution 1325 (2000), five African countries adopted national action plans, demonstrating increasing commitment to the agenda on women, peace and security in the subregion.

E. Strengthening of the rule of law at the regional level

28. Regional efforts to strengthen the rule of law allow States to address common challenges and threats. In 2013, UNODC is launching three regional programmes, in addition to the seven already in place, for Southern Africa, South Asia and the Caribbean. These programmes were identified jointly through a consultative process involving regional experts and Governments to ensure regional and national ownership.

29. The normative and operational framework for the prevention of atrocity crimes was strengthened by two regional initiatives: the Regional Committee on the Prevention and Punishment of Genocide, War Crimes and Crimes against Humanity and all forms of Discrimination of the International Conference on the Great Lakes Region and the Latin American Network for Genocide and Mass Atrocity Prevention, which was established by 18 States as a forum for the exchange of good practices on dealing with the past.

30. Since its establishment in January 2012, the UNCITRAL Regional Centre for Asia and the Pacific has been assessing needs and mapping existing projects relating to trade law reform with a view to increasing coordination. In cooperation with the Association of Southeast Asian Nations (ASEAN) and the United Nations Conference on Trade and Development (UNCTAD), the Centre has assisted with efforts towards harmonization of e-commerce laws using UNCITRAL texts as standards. The Centre has also been promoting adherence by States in the region to the Convention on the Recognition and Enforcement of Foreign Arbitral Awards.

F. Rule of law and transnational threats

31. The United Nations continues to ensure that the fight against terrorism is high on its agenda. The United Nations Counter-Terrorism Implementation Task Force was established to bring coordination and coherence to the counter-terrorism work of the Organization and support implementation of the Global Counter-Terrorism Strategy. The Integrated Assistance for Countering Terrorism Initiative (I-ACT Initiative), which seeks to assist efforts by Member States to implement the Global Strategy in an integrated manner and to ensure greater coherence and efficiency in technical assistance delivery, was launched in Burkina Faso and Nigeria and includes a focus on capacity-building for law enforcement and criminal justice officials. The Working Group on Protecting Human Rights while Countering Terrorism of the Counter-Terrorism Implementation Task Force launched a project to develop national curricula for law enforcement agencies in the Middle East, North Africa and the Sahel on human rights, the rule of law and the prevention of terrorism. A series of basic human rights reference guides will be published on international human rights law, the rule of law and best practices on the right to a fair trial and due process guarantees in the context of counter-terrorism.

32. Through the West Africa Coast Initiative, the Department of Political Affairs, the Department of Peacekeeping Operations, UNODC, the United Nations Office for West Africa and INTERPOL have been supporting the implementation of the regional action plan on combating transnational organized crime and drug trafficking of the Economic Community of West African States, covering Côte d'Ivoire, Guinea, Guinea-Bissau, Liberia and Sierra Leone.

33. Cross-border recruitment of children by armed groups continues to be of concern, including between Afghanistan and Pakistan, Burkina Faso and Mali, Côte d'Ivoire and Liberia. In 17 countries, UNICEF supported Governments to develop stronger legislative frameworks, policies and standards to combat child trafficking. Human trafficking laws were developed or passed in Belize, the Plurinational State of Bolivia, Cambodia, Maldives and Papua New Guinea, among other countries.

34. Environmental crimes pose a security and safety threat to many countries and have a significant negative impact on sustainable development and the rule of law. In decision 27/9 on advancing justice, governance and law for environmental sustainability, adopted by the Governing Council of UNEP at its first universal session, in February 2013, Governments noted that offences against the environment are increasingly committed by organized criminal groups and recalled that international cooperation in accordance with international law, while respecting national jurisdictions, contributes to combating those offences more effectively.

35. Illegal wildlife trade in several African countries threatens the survival of elephants and rhinos. UNEP has worked in close cooperation with INTERPOL, UNODC and other relevant bodies to combat these illegal activities. In April 2013 the UNODC Commission on Crime Prevention and Criminal Justice adopted a resolution on wildlife crime urging its seriousness and calling for increased international cooperation.

III. United Nations approach to the rule of law at the national level

A. Legal frameworks

36. According to the definition of the rule of law set out by the Secretary-General, laws must be publicly promulgated, equally enforced and independently adjudicated and consistent with international human rights norms and standards. Consequently, the United Nations supports Member States in the drafting of constitutions, laws and regulations. For example, to foster the full incorporation of women's rights into the constitution of South Sudan, UN-Women provided technical support for the development of a gender analysis of the transitional constitution and the promotion of women's participation and citizenship. Likewise, in Zimbabwe support to women's organizations contributed to the inclusion of women's rights and the elimination of discriminatory provisions in the new draft constitution.

37. The UNCITRAL secretariat has continued assisting States with the drafting of national legislation on international commercial law matters. During the last year, it advised on draft legislation on arbitration in the Cook Islands, the State of Palestine, Qatar and Slovakia; on mediation in Egypt; on electronic communication and transactions in Botswana; and on a draft pledge and pledge registration law in the Russian Federation. It also advised the Governments of Jamaica, Kazakhstan, Kyrgyzstan, Mongolia, Tajikistan and Trinidad and Tobago on the reform of their public procurement regulatory frameworks.

38. Other efforts include UNDP assistance to the drafting of a legal aid law in Montenegro; UNODC and OHCHR assistance to Myanmar in revising the draft prison law; UNODC support to the revision of the prison law in Afghanistan and the drafting of anti-corruption legislation in the Sudan and Myanmar.

39. The UNODC Global Programme against Money-Laundering, Proceeds of Crime and the Financing of Terrorism has developed two model laws to address money-laundering and terrorist financing. They were used to assist the Governments of Mongolia, Palau and Zimbabwe. UNODC has also developed a Juvenile Justice Model Law and related commentary, which was used to assist a number of countries in the development of legislation to promote and protect the rights of children in conflict with the law.

40. UNICEF worked in at least 112 countries to improve legal and policy frameworks and advocacy around child protection. Seventeen Governments were supported in the development or amendment of criminal procedural codes related to children in conflict with the law. The development of policies, legislation and standards for the provision of care and protection services were supported in 6 countries and 35 countries were supported in the development or monitoring of standards relating to alternative care.

41. Regarding nationality laws, UNHCR provided advice to seven countries. To address the issue of statelessness arising as a result of gender discrimination in nationality laws, UNHCR published an overview which showed that 29 countries retain provisions that limit the right of women to transmit nationality to their children. Six countries received support on formal statelessness determination procedures and three on legislative and policy reviews regarding asylum.

42. In the area of conflict-related sexual violence, the team of experts created by the Security Council in resolution 1888 (2009) provided advice in the Democratic Republic of the Congo on draft legislation and guidelines on a specialized court; in South Sudan on the transitional constitution and on the identification of legislative reform priorities; and in Colombia on a draft law on access to justice for victims of sexual violence and on guidelines for the Ministry of Defence on how police and military officers should address conflict-related sexual violence.

43. United Nations special political missions and peacekeeping operations also provided assistance to Governments with their legal frameworks. For example, the United Nations Assistance Mission in Afghanistan is assisting the Government of Afghanistan to redraft the criminal code and the United Nations Stabilization Mission in Haiti (MINUSTAH) is assisting the Government there to draft new criminal and criminal procedure codes and legislation on money-laundering and terrorism. In Libya, the United Nations Support Mission supported the drafting of a law to address jurisdictional conflicts between the civilian and military justice systems and the United Nations Mission in South Sudan (UNMISS) assisted the Government with the development of legislation on arms and a review of legislation on police, corrections and the army, as well as with the constitutional review process.

44. UNEP is working in 11 countries with a view to strengthening their environmental legislation. It has also produced guidance materials for decision makers to assist them in developing policies and legislation to address issues related to water, energy and adaptation to climate change.

B. Police, justice and corrections

1. Capacity development and institutional strengthening

45. The United Nations continues to support the strengthening of the human and institutional capacities of justice systems, the police and corrections services. Part of this effort is accomplished through training activities, examples of which include support to the establishment of a judicial training centre in Guinea-Bissau; a capacity development programme for township judges in Myanmar; anti-corruption training programmes for prison officers in Somalia; training of military police and army personnel on command responsibility, investigations and accountability in South Sudan; and training on justice for children in 48 countries. Training on how to deal with sexual abuse against children was carried out in Malaysia, Mozambique and Uruguay and in the Sudan, police officers, prosecutors and social workers were trained on standard operating procedures for family and child protection units.

46. Independent, efficient and competent judicial systems are the backbone of the rule of law, providing legitimate means to solve conflicts, ensure accountability and provide redress. The United Nations provides a broad range of support from assisting justice sector reform to supporting specific needs. In Haiti, MINUSTAH and UNDP are providing technical assistance to the newly established Superior Council of the Judiciary. In Iraq, support to court case management, information technology systems, operations, court accessibility and awareness-raising campaigns has increased the efficiency of the justice system in Baghdad, Basra and Erbil. The United Nations Integrated Mission in Timor-Leste (UNMIT) provided the Government with a comprehensive road map for justice and legislative reform.

UNODC supported the criminal justice systems of Kenya, Mauritius, Seychelles and the United Republic of Tanzania to ensure fair and efficient trials for piracy suspects and their secure and humane detention and imprisonment. UNDP supported justice sector-wide approaches in a range of countries such as Bangladesh, the Lao People's Democratic Republic, Liberia, Malawi, Mauritius, Mozambique, Nepal, Pakistan, Somalia and Timor-Leste.

47. The fight against impunity for sexual and gender-based crimes requires special efforts tailored to the distinct nature of the crime and the specific challenges it presents. In the Democratic Republic of the Congo, the team of experts on the rule of law/sexual violence supported national efforts to investigate and prosecute sexual violence crimes, including through the prosecution support cells, supported by the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) which, as of May 2013, had assisted the military justice authorities to conduct a total of 19 mobile courts. Of 243 cases concluded, 167 related to sexual violence. In the Dominican Republic, UNICEF and the United Nations Population Fund (UNFPA) supported the Office of the Attorney General in the establishment of management models for victims of gender-based violence, domestic violence and sexual crime units. In the Sudan, the African Union-United Nations Hybrid Operation in Darfur (UNAMID) has partnered with UN-Women to run training workshops on sexual and gender-based violence aimed at enhancing the capacity of customary court judges and paralegals.

48. Support to the strengthening of security sector institutions is an important component of a comprehensive approach to the rule of law. In El Salvador, 27 municipalities have received UNDP support to implement citizen security plans to reduce violence. According to official Government data, these efforts have resulted in an average reduction of armed violence incidents by 41.5 per cent and a recorded increase in confidence in local security institutions.

49. Reliable and effective police services, operating strictly according to human rights principles and standards and adhering to the rule of law, are essential for the maintenance of security and for ensuring the legitimacy of law enforcement functions. In Afghanistan, UNDP worked with the Ministry of Interior to upgrade, establish and staff police call centres. In Timor-Leste, a police capacity-building initiative supported by UNMIT and UNDP resulted in the effective prevention of security incidents during the elections in 2012. The specialized skills and knowledge required to deal with specific offences are also part of United Nations efforts. For example, in Guatemala, UNICEF supported the establishment of a police unit to investigate sexual violence against children; in Palestine, UN-Women supported the civil police in the development of a strategy and regulations for family protection and is also supporting increased police capacities to respond to violence against women in Anguilla, Antigua and Barbuda, the Dominican Republic, Ethiopia, Kenya and Thailand.

50. Prison systems need to provide for reliable implementation of judicial decisions, while at the same time ensuring living conditions respectful of human dignity and in conformity with human rights. The United Nations Operation in Côte d'Ivoire (UNOCI) provides support and advice to the national prison administration focused on prison management, staffing and capacity-building, regulatory frameworks and refurbishment and rehabilitation of prisons. In the Democratic Republic of the Congo, MONUSCO provides daily mentoring support to the

national authorities on improving conditions in 24 prisons; it also provides periodic monitoring and advisory support to approximately 60 more prisons. In the Sudan, UNAMID and UNDP continue to strengthen the prison system through training national officers in human rights approaches to prison management, projects to support improvements in living conditions and rehabilitation programmes to prepare prisoners for reintegration. UNODC has provided technical advice and implemented comprehensive prison reform programmes in around 20 countries, with a focus on legislative assistance, capacity-building measures for prison staff and rehabilitation programmes.

2. Access to justice

51. To make the rule of law a reality beyond the formal establishment of institutions, judicial systems need to be fully accessible to all individuals and groups. A major obstacle to access is the cost involved in legal advice and legal representation services. To address this obstacle, the United Nations implements a wide variety of projects focused on providing legal aid. In Gaza, UNDP has continued to support a legal aid network that provides an array of legal services, including representation, litigation, mediation and arbitration. In Pakistan, UNDP established a total of 124 mobile legal aid clinics. In 2012, these clinics were attended by 5,429 people, and legal representation was provided for 123 community members. In South Sudan, UNMISS and UNDP support the mobile court initiative, designed to increase access to justice in remote areas and reduce case backlogs. In the Sudan, UNAMID and UNDP have supported the establishment of legal aid desks in Darfur prisons. Over 500 prisoners have benefited from this programme.

52. The United Nations has also implemented legal aid projects targeted at specific groups of persons. For example, in Zimbabwe, UNICEF developed a strategy to support children in conflict with the law through legal aid and social assistance; in Mozambique UNDP assisted the Ministry of Justice in strengthening access to free legal aid, reaching 3,647 persons in pretrial detention. Displaced persons and refugees face particular challenges in obtaining access to justice. The United Nations Relief and Works Agency for Palestine Refugees in the Near East is implementing a three-year legal aid project to enhance access to justice for Palestinian refugees in Lebanon and UNHCR has intensified its efforts to provide legal assistance and counselling on sexual and gender-based violence in a number of countries, including Burundi, Djibouti and Uganda.

53. Work has also been done on the development of tools on access to legal aid. UNODC, UNDP and the Open Society Justice Initiative are developing a handbook to assist Member States in designing early-access schemes to legal aid in criminal investigations and proceedings. UNEP, with the United Nations Institute for Training and Research, is working on a tool for the development of national legislation on access to information, public participation and access to justice in environmental matters.

54. Women face particular obstacles to full access to justice and measures should focus on enabling them to claim their rights, seek protection and redress and settle disputes in conditions of real — and not only formal — equality. In Libya, the United Nations provided a forum to discuss challenges facing women's access to justice. UN-Women is supporting projects on access to justice for women in over 45 countries. A study led by UN-Women maps the range of activities being undertaken

by the entities of the Rule of Law Coordination and Resource Group at Headquarters and in more than 30 countries affected by conflict. The study will inform strengthened programming on women's access to justice.

55. In 2012, UNICEF supported approximately 94 countries on the development of systems for accessible and equitable justice for children, to ensure that children have access to legal counsel and support services and that procedural and administrative safeguards exist to ensure due process and child rights govern the management of cases of children engaging with legal systems in all situations, not just as alleged offenders. In the Sudan, for example, 13,500 children received a full range of social, medical and legal assistance through family and child protection units.

56. OHCHR has supported a number of initiatives to increase access to justice for indigenous peoples, including hosting a panel of experts at the twenty-first session of the Human Rights Council; an expert seminar on access to justice for indigenous peoples; and a study on access by the Expert Mechanism on the Rights of Indigenous Peoples. In the field, the OHCHR office in Guatemala has developed a programme to support the use of litigation by indigenous peoples to protect their rights.

3. Informal justice systems

57. In many countries, informal justice systems play an important role in the resolution of conflict and disputes, as they are ingrained in community traditions and their decisions can therefore be perceived as more in harmony with the culture. They are also more accessible and less costly than formal justice systems. It is essential, however, to ensure that their functioning is compatible with human rights and that their relationship with the formal justice system does not create further conflict. To guide the work of the United Nations in this area, in 2012 UNDP, UN-Women and UNICEF published a study which provides a framework for development engagement in informal justice systems. This study is the most comprehensive United Nations study in this area to date, drawing conclusions and recommendations based on research in 18 developing countries. In the Sudan, UNAMID and UN-Women are conducting training workshops to enhance the capacity of customary court judges and paralegals to better protect women and children from sexual and gender-based violence.

C. Other activities aimed at capacity development and institutional strengthening

58. Capacity-building activities related to the rule of law are wide in scope and go beyond the traditional areas of law reform and the strengthening of justice and law enforcement institutions. For example, supporting increased birth registration is an important step in ensuring the protection of children's rights and their access to services. UNICEF continues to be involved in the development of birth registration in 81 countries where, over the last year, 29.5 million children had their births registered. UNHCR supported birth registration activities in reaching refugee settlements, including in Kenya and Zambia. Whilst many countries have seen a rise in overall rates of birth registration, reaching the most vulnerable remains a challenge.

59. Prevention and response to violence against children, including sexual violence and abuse, forced marriage and maltreatment, remains an important focus area of United Nations assistance. In Guinea-Bissau, this focus has led to an increase in investigations. In Kyrgyzstan, 300 child victims and witnesses of violence and abuse have benefited from consultation and rehabilitation. In Nepal, 1,027 paralegal committees were established in 59 districts to assist in the prevention of, and response to, violence against women and children.

60. Corruption undermines the rule of law and affects the legitimacy and efficacy of State institutions. UNODC has worked closely with Governments to enhance their capacity to develop effective national anti-corruption strategies. In Libya, the United Nations assisted the National Transitional Council in adopting legislation establishing a national anti-corruption commission. In Timor-Leste, the United Nations assisted the Anti-Corruption Commission, through embedded expertise, in undertaking a self-assessment of the country's compliance with the United Nations Convention against Corruption. Efforts to tackle corruption also included a panel discussion at the Human Rights Council in which the links between anti-corruption and human rights were explored.

61. National human rights institutions strengthen the capacity of the State to implement international human rights obligations. The United Nations supported the establishment of the High Commission for Human Rights in Iraq. National human rights institutions and government officials from 48 countries have received training supported by the Office of the Special Adviser to the Secretary-General on the Prevention of Genocide, in partnership with the Auschwitz Institute for Peace and Reconciliation. UNDP also supports the capacities of national human rights institutions in a range of countries. In Asia, for example, it has projects in Afghanistan, Bangladesh, Maldives, Mongolia, Nepal, Philippines, Sri Lanka and Timor-Leste.

62. UNCITRAL continued to organize capacity development and training activities on international commercial law matters. It cooperated with the International Training Centre of the International Labour Organization (ILO) in the delivery of the Masters course on public procurement for sustainable development and the Master of Laws course in international trade law. UNCITRAL also contributed to the preparation of a judicial training programme in Georgia in the field of international commercial arbitration. It also assisted with preparing draft arbitration rules for arbitral institutions, including at the request of the Stockholm Chamber of Commerce.

63. The capacity of States to implement their environmental obligations has also been enhanced through targeted capacity-building, training and awareness-raising programmes at the national and regional levels in African, Caribbean and Pacific countries. A project funded by the European Union supported 10 countries in Africa in the development of multi-stakeholder collaboration strategies on multilateral environmental agreements and three of the Federated States of Micronesia in the development of integrated guidelines for environmental impact assessments.

D. Transitional justice

64. Transitional justice mechanisms and processes contribute to the strengthening of the rule of law and the rebuilding of trust and confidence in State institutions.

United Nations assistance in this area covers national consultations, truth-seeking, judicial accountability mechanisms, legal reforms and reparations programmes in over 25 countries.

65. OHCHR continued its engagement in monitoring, promoting and supporting transitional justice processes initiated in the Middle East and North Africa Region. In November 2012, OHCHR and UNDP, together with the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence,[1] co-organized a regional consultation on transitional justice, which helped to raise awareness among stakeholders of international principles and standards. The drafting or revision of transitional justice laws was also supported in Tunisia and Libya. In Yemen, UNDP supported the Commission to Consider and Address Land Issues and the Commission on Forcibly Dismissed Employees, established in January 2013 with a view to strengthening public trust in justice institutions through the delivery of timely remedies to victims.

66. Genuine and inclusive participation in the design of transitional justice mechanisms ensures that they not only respond to the needs and expectations of victims, but provide transformative change for sustainable transitions to peace and reconciliation. In Guinea, OHCHR supported the Co-Chairs of the Provisional National Reconciliation Commission, national authorities and civil society to build stronger participation and provided technical assistance for the planning and organization of national consultations. Similarly, in Côte d'Ivoire, UNOCI provided technical assistance to the Dialogue, Truth and Reconciliation Commission for a plan of action on national consultations and for an awareness-raising campaign. UN-Women contributed to the inclusion of women in the consultations on the Amnesty Act in Uganda and in Mali UNDP assisted the Minister of Justice in pursuing criminal justice and truth-seeking mechanisms for the recent violence through a colloquium for national stakeholders.

67. The establishment of the truth about past violations is seen not only as a necessary step to allow a community to move forward, but also as a means of reparation for victims. For many, the acknowledgement of the harm suffered is as important as, or sometimes even more important than, economic compensation. In October 2012, the Nepal conflict report was released, which documents and analyses serious violations of international law that occurred during the 1996-2006 conflict, along with a database of around 30,000 documents. Truth-seeking mechanisms were also supported in Colombia, where the National Centre for Historical Memory has received support from UNDP and OHCHR and in Liberia, where UNMIL provided technical and financial support to assist the Independent National Commission on Human Rights in the implementation of the recommendations of the Truth and Reconciliation Commission.

68. Accountability for serious violations of human rights and international humanitarian law is an essential component of transitional justice. In Timor-Leste, the Prosecutor was supported in completing the investigations of 80 per cent of the incidents identified by the Independent Special Commission of Inquiry. In Côte d'Ivoire, OHCHR provided the National Commission of Inquiry with information

[1] The first Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence was appointed in May 2012. In his first report to the General Assembly (A/67/368), he highlighted the ways in which the promotion of truth, justice, reparation and guarantees of non-recurrence contributes to strengthening the rule of law.

gathered by United Nations mechanisms and technical support and training to national judicial institutions, leading to the first two national trials for crimes committed during the post-electoral crisis. OHCHR supported the development of effective protection mechanisms for victims and witnesses in Burundi, Côte d'Ivoire, Uganda and Kosovo,[2] while UNDP assisted victims and witness programmes in Bosnia and Herzegovina, Colombia, Guatemala and Nepal.

69. The United Nations continues to emphasize the importance of providing redress and assistance to victims in conflict, post-conflict and other crisis situations. In the Democratic Republic of the Congo, MONUSCO supported consultations and workshops to increase the knowledge of effective redress among victims' associations. In Colombia, OHCHR supported protective measures for persons involved in land restitution processes and UNDP provided assistance to 33,219 relatives of victims of enforced disappearance. The formal recognition of a victim's status is often an obstacle to accessing reparations and assistance. In Peru, UN-Women supported indigenous women in obtaining recognition as survivors of the Shining Path armed conflict through registration in the National Reparations System, which gives them access to health care and other services.

E. Rule of law and sustainable development

70. The Declaration of the high-level meeting of the General Assembly on the rule of law at the national and international levels highlighted the interrelationship and mutually reinforcing nature of the rule of law and development. It recognized the importance of fair, stable and predictable legal frameworks for generating inclusive, sustainable and equitable development, economic growth and employment, generating investment and facilitating entrepreneurship. The Declaration called for consideration of the relationship between the rule of law and development in the international development agenda beyond 2015. In its report on the work of its forty-fifth session, UNCITRAL recommended some practical steps in promoting the rule of law in the economic field with a focus on local needs in commercial law reforms (A/67/17, paras. 221-222).

71. The protection of the environment is one of the most pressing demands of our time. The concept of sustainable development incorporates the notion of environmental sustainability and protection, which cannot be achieved without a strong system based on human rights and the rule of law. The importance of environmental law was reaffirmed in the processes of the United Nations Conference on Sustainable Development and it was recognized that the rule of law should be an important consideration in the development of the sustainable development goals. The implementation of environmental legal frameworks requires increased efforts, in particular with regard to the capacity of tribunals, enforcement agencies, auditing institutions and other stakeholders to implement environmental law, to address emerging issues such as environmental crime and to develop the linkages between human rights and the environment.[3]

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[2] References to Kosovo shall be understood to be in the context of Security Council resolution 1244 (1999).

[3] See "Human rights and the environment. Rio + 20: joint report OHCHR and UNEP", available from www.unep.org/delc/Portals/119/JointReportOHCHRandUNEPonHumanRightsandtheEnvironment.pdf.

72. In 2012, UNEP organized the World Congress of Chief Justices, Attorneys General and Auditors General on environmental sustainability and related questions of justice, governance and the rule of law. The outcome document calls for strengthened international institutions to protect the global environment and affirmed the role of law as an indispensable tool for sustainable development and greener economies.[4] The Congress also adopted a set of guiding principles for the advancement of justice, governance and law for environmental sustainability The United Nations also assisted rule of law activities relating to the environment at the national level. For example, UNDP supported the Supreme Court of the Philippines to ensure accountability for effective resource management, enforce environmental laws and promote public awareness.

IV. Overall coordination and coherence

A. Strengthening of coordination at Headquarters

73. The arrangements of the United Nations to ensure the coordination and coherence of strategies and activities relating to the rule of law were the subject of extensive reviews. The result was the creation of a new three-tier system to strengthen the ability of the Organization to deliver its rule of law activities at the field level, at the level of Headquarters operational support and at the strategic level. At the field level, the authority of the United Nations field leadership has been enhanced. They have been made responsible and accountable for guiding and overseeing United Nations rule of law strategies, resolving political obstacles and coordinating United Nations country support on the rule of law. At the same time, whilst responsibility for programme implementation is left firmly in the hands of the different United Nations entities to maximize comparative advantage, country teams are also required to cooperate with the senior field leadership in this new role.

74. At the Headquarters level, the Department of Peacekeeping Operations and UNDP have been designated as the joint global focal point for the police, justice and corrections in the rule of law in post-conflict and other crisis situations. Through this arrangement, the Department and UNDP are jointly responsible for responding to country-level requests with timely and quality assistance on police, justice and corrections matters in terms of global knowledge, people and advice on assessments, planning, funding and partnerships. The global focal point is also responsible for convening all relevant United Nations entities with capacities in the rule of law to address country-level requests of system-wide relevance. The Department and UNDP have been working closely together and with other United Nations partners in a number of countries, including Côte d'Ivoire, the Democratic Republic of the Congo, Haiti, Libya, Mali and Somalia. The global focal point is driven by a common vision and a field focus on improving United Nations support to crisis countries. Working collaboratively from the early planning phase onwards will help leverage resources, draw on external assets and avoid duplication of effort. OHCHR and UN-Women are also co-locating staff to facilitate better coordination and coherence.

[4] Available from www.unep.org/environmentalgovernance/Portals/8/documents/Advancing%20Justice,%20Governance%20and%20Law%20(WV).pdf.

75. At the strategic level, the Rule of Law Coordination and Resource Group, chaired by the Deputy Secretary-General, has been given the overall leadership role for the rule of law. It will ensure that the United Nations is able to foresee new opportunities, address new challenges and develop linkages with a broad range of stakeholders. The revised terms of reference of the Group reflect new realities and actors in the rule of law, a more strategic approach to policy and external relations and a flexible approach to coordination. In March 2013, the Executive Heads of the entities of the Rule of Law Coordination and Resource Group held a retreat to set the vision and priorities for the rule of law in the work of the Organization.

B. Strategic and joint engagement at the country level

76. Since its official designation, the global focal point has undertaken joint assessment and planning missions to Afghanistan, Haiti, Libya and Somalia. A team also travelled to Nairobi to aid the United Nations work in Somalia, providing support to the development of the United Nations rule of law strategy, as part of the ongoing strategic review and technical assessment mission in Somalia led by the Department of Political Affairs. This was followed by a joint engagement in the mission planning process and the establishment of a new United Nations Assistance Mission in Somalia (UNSOM), launched in June 2013. In April 2013, a joint team consisting of representatives of the Department of Peacekeeping Operations, UNDP and OHCHR, undertook a mission to Haiti to provide support to developing a United Nations guidance document on the rule of law and draft the global focal point country support plan. The global focal point is finalizing country support plans to address requests received from the United Nations in Côte d'Ivoire, Haiti, Liberia and Libya. At the request of UNMIL, UNOCI, MONUSCO and the UNDP offices, the global focal point has facilitated the deployment of specialized expertise. The global focal point will benefit from the contributions of Member States in the form of experts, support from think tanks and other academic institutions and close cooperation with other multilateral actors, such as the World Bank and the European Union.

77. Inter-agency cooperation and joint initiatives contribute to a better use of resources and increased coherence and effectiveness of United Nations assistance at the country level. Examples of joint initiatives cover a wide range of countries and areas. For example, UNICEF and ILO continue to work closely to eliminate child labour and have supported alliances with the public and private sectors to this end in seven countries. UNCITRAL and UNODC have coordinated efforts to implement the United Nations Convention against Corruption regarding public procurement, which included advising the Governments of India and Mexico on reforms to their legal and regulatory frameworks for public procurement. UNODC, UNDP, the United Nations Educational, Scientific and Cultural Organization, UNFPA, UNICEF and UN-Women have partnered in Guatemala for the implementation of a project to support criminal investigations into human trafficking.

C. Expansion of partnerships

78. The strengthening of the rule of law requires the active involvement of public and private entities, as well as integrated and multidisciplinary approaches. The

Organization continues to be committed to the establishment and furtherance of meaningful partnerships with a wide variety of stakeholders.

79. The United Nations engages with civil society in a variety of ways. The United Nations Democracy Fund, for example, provides direct support by financing projects. For 2013, the Fund received 3,014 project proposals from civil society organizations in 133 countries. It devoted half its total funding for the year to projects in the field of rule of law. These ranged from supporting constitutional watchdogs to building capacity for effective use of freedom of information legislation; and from developing public defender facilities and access to justice to defending the rights of minorities.

80. Other examples of partnerships include the in-country work of the team of experts on the rule of law/sexual violence, which draws on the capacities, expertise and knowledge of national Governments and civil society organizations in the countries it seeks to assist, while complementing the work of the United Nations on the ground and building on the efforts of Governments to ensure ownership and sustainability.

81. Partnership with the World Bank also continues to be highly valued by the Organization. The World Bank has been invited to take part in the discussions of the Rule of Law Coordination and Resource Group and has been engaged in looking at how the Bank and the Organization can work more closely together in supporting countries affected by conflict.

D. Strengthening of the rule of law in the Organization

82. The internal system of administration of justice is an essential component for the observance of the rule of law within the Organization and for its staff members. As at 30 July 2013, the United Nations Dispute Tribunal had issued 838 judgments, while the United Nations Appeals Tribunals had issued 323.

V. The way forward

83. The Declaration adopted at the high-level meeting of the General Assembly on the rule of law at the national and international levels requested the Secretary-General to propose ways and means of developing, with wide stakeholder participation, the linkages between the rule of law and each of the three main pillars of the United Nations: peace and security, human rights and development.

84. To respond to this request, a process of consultations is under way to engage as wide a set of stakeholders as possible. These consultations began with the engagement of eminent thinkers in the area to contribute a series of articles developing their reflections on the rule of law. These will serve to spark further discussions and consultations with Member States, civil society, business and academia. As the consultations are still continuing, the results will be reported to the General Assembly as an addendum to the current report.